

HEW to revise rule writing

Health, Education and Welfare Dept. (HEW) Secretary Joseph Califano has announced plans for a program to rewrite HEW regulations to make them more understandable to the general public, and has asked the public to submit suggestions. Called "Operation Common Sense," the project will include a "sunset review" to eliminate rules that are ineffective or outdated, and what Califano termed a "top-to-bottom overhaul of the way HEW develops new regulations."

Califano pointed out that in the past 25 years HEW regulations have grown to fill 6,000 pages in 13 volumes of the *Code of Federal Regulations*, and that in the past 8 years alone, HEW has written more than 3,000 pages of regulations.

Califano said that many of these rules "impose archaic and even incomprehensible requirements—often in elaborate and excruciating detail." The result has become a body of regulations that "makes little sense to anyone," Califano said, including "the people who write the regulations, the people who administer them, or the people who must comply with them."

HEW programs affect virtually all Americans in such areas as health care, Social Security, education and social services, and Califano has asked everyone who has "encountered a rule that has perverse effects, a confusing form," or an unfair requirement, to submit comments to him with suggestions on how these regulations should be changed.

Califano said that new procedures will help HEW issue rules within months after Congress acts—not years later as with many regulations—by setting clear deadlines, reducing paperwork and streamlining bureaucratic procedures. Califano also said that in the past "much lip service has been paid to the need for public participation, but those most affected have rarely been actively consulted." In the future Califano said he wants HEW to take the initiative to contact state and local governments, affected interest groups, public interest groups, and the public as a whole for advice in writing regulations.

Comments on revising HEW regulations and on new procedures for writing new regulations should be sent to Operation Common Sense, P.O. Box 536, Washington, DC 20044.

Warnings!

• **WATER HEATERS—Consumer Product Safety Commission** (CPSC) issued a warning about a possible serious shock hazard from certain portable immersible electric water heaters manufactured by the Ambory Corp., Hazel Park, MI.

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consumer news

DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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Consumer office action delayed

Speaker of the House of Representatives Thomas P. O'Neill decided against a House vote on a compromise version of the consumer agency bill which would have established an Office of Consumer Representation [CONSUMER NEWS: Nov. 1] because his informal count did not show enough votes to assure passage. The White House and consumer advocates plan to bring the bill to the floor again in January when, as Esther Peterson, Special Assistant to the President for Consumer Affairs, said, "We will be in an election year, and Congressmen will have to answer to their consumer constituents."

The Chamber of Commerce of the US, an acknowledged leader of business interests who opposed the measure, hailed the House decision and suggested that it resulted from Congressmen having "heard the message—a deafening silence from grass roots (sic) America which has lost confidence in consumerism as practiced 10 years ago."

William H. Jones, who covers regulatory matters for *The Washington Post*, took issue with that view, however, suggesting that the bill's opponents may have won a "Pyrrhic victory" because of the damage the fight over the bill has done to the public image of business and industry and "the possibility that the defeat of a weak bill may lead to eventual passage of a stronger one."

National Warranty Update Conference

Under the sponsorship of the Chamber of Commerce of the US, the Consumer Federation of America (CFA) and the **Office of Consumer Affairs** (OCA), consumer, industry and government representatives met Nov. 3 and 4 in Washington, DC to review the results to date of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act of 1975. This legislation established Federal minimum disclosure and content standards for consumer product warranties and set new procedures for rulemaking and legal action taken by the **Federal Trade Commission** (FTC).

The legislation, however, was called "toothless" by Andy Driscoll, president of the Michigan Consumer Alliance, who added that "the rules mandated by the law have yet to be written by FTC. He went on to say the law is being used as an excuse by industry "to back off pursuing what the public has a right to expect—that a product will do what it is sold to do for a reasonable period of time or it will be replaced." Specific definitions of "full" and "limited" warranties were set up by the legislation, a move which has resulted in "more limited than full warranties" and an overall decrease in full warranties, he charged.

Lewis L. Salton, chairman of Salton, Inc. and a director of the Association of Home Appliance Manufacturers, noted that he resented "the 'implied warranty' (in the legislation) that we in business are all crooks." Terming the warranty law a "timid" attempt to solve a problem which

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Warnings (Continued)

The heaters are constructed of an exposed resistive heating element contained within a perforated metal case which allows water to contact the heating mechanism. Potential for serious shock injuries, possibly resulting in electrocution, exists when water contacts the powered heating element.

The 4 heaters in question are the Ambory Special, Jiffy, Jr., Jiffy Sr., and Ram. Distributed nationwide, they are sold primarily in hardware stores and tack shops. CPSC estimates that approximately 50,000 of the heaters are currently in consumers' hands, mostly in rural areas.

All 4 models are sold with instructions warning users not to touch the water containers or the water itself while the heater is on. Consumers are also directed to turn the heater off and unplug it before testing the water temperature.

Anyone aware of any shock or electrocution incidents associated with these electric water heaters should call CPSC's toll-free hotline at 800-638-2666; Maryland residents only call 800-492-2937.

• **PISTOLS—Consumer Product Safety Commission (CPSC)**, in cooperation with Crosman Arms Co., announces the possibility of an inoperative safety mechanism in certain BB repeater pistols.

The pistols are Crosman model 454, 16-shot, semi-automatic .177-caliber CO₂ powered BB pistols. Suspect pistols can be identified by the first 3 digits of the serial number. The digits are 477, 577, 677, 777, or 877. (The serial number is located on the left side of the pistol just below the Crosman name). Pistols bearing these serial numbers but with an "R" stamped on the right-hand side of the casting under the grip below the barrel on the front do not have the possible malfunction.

Crosman is trying to locate the pistols because an improper dimension on the receiver cover raises the possibility of the pistol discharging when the trigger is pulled with the safety engaged. Crosman will make modifications to eliminate the possible problems at no cost to the consumer.

Owners of the pistols are asked to take them to the nearest authorized service center listed in the brochure that was included with the pistol when purchased. Owners may also write Crosman Arms Co., 980 Turk Hill Rd., Fairport, NY 14450 or call their service department at 716-223-6000; or call CPSC's toll-free hotline at 800-638-2666; Maryland residents only call 800-492-2937.

Warranties (Continued from page 1)

needed stronger action, Mr. Salton added that because some of the power under the law is delegated to the states, which have established different rules, the law "is not worth the disruption it causes in the national shipment of consumer goods."

Emphasizing his "shock and chagrin" at FTC's thwarting of Congress' intentions for the legislation, Lynn Sutcliffe, a lawyer who helped write the Magnuson-Moss bill when he was a Congressional staff counsel, charged that the FTC "came out with the initial motion hoping that everyone in the field will do their homework for them in establishing the necessary background data for the proposed rule, and this is unfair to the industry."

Mark Silbergeld, director of the Washington office of Consumers Union, complained that FTC's choice of cases for rulemaking by the FTC "should be better conceived," adding that FTC was in too much of a hurry to rule and was not preparing adequately.

The consensus of the conference was that the Act's anticipated benefits have not really materialized. In fact, Kathleen O'Reilly, Director of CFA, suggested that "Congress should go back and take another look" at the law. Despite heavy criticism of the law and its implementation, the 2 days appeared to open the doors for a fruitful exchange of ideas which will assist FTC in its efforts on warranties. Information on obtaining copies of the conference proceedings will appear in CONSUMER NEWS as soon as it is available.

Some of the best transit systems

Four communities have received the Administrator's Award for Outstanding Public Service from the **Transportation Dept's Urban Mass Transportation Administration (UMTA)**.

The awards went to Golden Gate Bridge Highway and Transportation District, San Francisco; City of Knoxville and the Transportation Center of the University of Tennessee at Knoxville; Port Authority Transit Corporation (PATCO), Camden, NJ; and City and Transit District of Westport, CT.

The Golden Gate Bridge Highway and Transportation District award recognizes the innovative multi-modal approach to the movement of people in the San Francisco Bay area. Preferential bus lanes, bridge toll pricing, car-pools, subscription bus service and expanded commuter ferry service now provide commuters with transportation options where none had existed.

The City of Knoxville and the Transportation Center at the University of Tennessee received the Administrator's award for implementation of the new concept of transportation broker. The University serves as the transportation broker of the city by matching the transit rider's need with the proper transportation mode—taxi, bus or other kind of transportation or combination of same.

PATCO was chosen for its efficient management and cost-saving construction. PATCO's Lindenwood Line has the highest operating revenue-cost ratio among rail and bus transit systems in the US.

The fixed route bus system of the city of Westport, including peak hour service to commuter rail stations, the use of prepaid transit fare passes and the innovative use of taxis to supplement traditional transit service have met this low-density community's needs for efficient and cost-effective transportation alternatives.

Confused about electric cords?

There is perhaps nothing that plays a more useful role in our daily lives than electricity. For most of us life without electricity would be hard to imagine. And yet, how it works is a mystery to the average person. We can't see it. We can feel it, but to do so is likely to be hazardous.

We in the **Office of Consumer Affairs (OCA)** have decided to leave the scientific explanation of how electricity works to someone with considerably more experience. However, the number of complaints and inquiries concerning electrical cords received over the years prompted **CONSUMER NEWS** to explore the apparent confusion surrounding their proper selection and use.

To assist us, we sought the advice of Underwriters Laboratories (UL), an independent, not-for-profit corporation engaged in testing for public safety. Founded in 1894, UL develops and establishes standards for power supply cords and cord sets, as well as most of the appliances with which they are used. UL estimates that more than 80 percent of all such cords made for use in the United States meet these standards and carry UL's mark as evidence of that fact.

By drawing a simple analogy to the typical home water system, we can remove some of the mystery surrounding the electrical system without getting overly technical. Just as pipes are used to distribute water to convenient outlets located throughout the house, wires are used to distribute the electricity. These pipes and wires are usually run inside walls, between floor joists, in unused attic spaces and other such protected locations.

How much water is available at an outlet depends to a large extent on the available pressure and the size of the pipe supplying it. For example, if the pressure is low and the pipe is small, we may not be able to get an adequate supply of water from that outlet. How much electrical current is available at an electrical outlet depends to a large extent on the available electrical pressure (known as voltage) and the size of the wire supplying it. Here again, if the electrical pressure or voltage is low and the wire is small, we may not be able to draw enough electrical current from that outlet to satisfy our needs safely.

To supply water to portable appliances such as washing machines and lawn sprinklers, we usually extend the supply from a convenient outlet to the appliance through a length of hose (a flexible pipe). To supply electricity to portable appliances such as hair curlers and vacuum cleaners, we extend the electrical supply from a convenient electrical outlet to the appliance through a power supply cord and/or cord set (a flexible wire).

Just as the pipe supplying water to an outlet and the wire supplying electricity to an outlet must be of an adequate size, so must the hose and the power supply cord and/or cord set. And, because such extensions are not built in, but are usually run in the open, they must be protected from abuse.

As far as electricity is concerned, most of us can take comfort in the fact that electrical codes and the authorities enforcing them have done an excellent job of assuring us an adequate number of adequate outlets of adequate capacity in our homes. We cannot take the same comfort in the adequacy of extensions to the electrical system to supply our many appliances. For assuring the adequacy of these, we must have the help of the appliance manufacturers, the power supply cord and cord set manufacturers and the precautions that only we can take.

Without exception, such extensions should be as short as possible, of adequate size for the electrical current they are expected to carry, and of the proper type. Cords supplied with appliances manufactured to meet nationally recognized standards such as those of UL must be of the proper size and type. They will also be of a length calculated to eliminate the need for an extension cord in most homes and yet short enough to eliminate any excess cord that may be stepped on, tripped over or played with by young children. The optimum length is usually 6 feet. However, there are longer and shorter cords. For example, a so-called "shorty" cord is commonly offered with a counter-top appliance for plugging into a counter-top outlet—to eliminate any excess cord.

If, in spite of the best efforts of the appliance manufacturer to provide just the right length of cord, you still need an extension cord, be sure you choose the correct size and type. To help you, extension cords manufactured to meet nationally recognized standards such as UL are identified as to type and electrical rating. Always choose a cord with an electrical rating equal to, or greater than, the rating of the appliance it will be supplying. Check the appliance's nameplate so that you can make the determination. If more than one appliance is to be used with a single extension cord, the cord rating must equal or exceed the combined ratings of the appliances. Whatever you do, do not route your extension cord under rugs or any other place where it may be subject to damage. Unplug all unused extension cords and put them away, out of the reach of children.

The **Consumer Product Safety Commission (CPSC)**, UL and manufacturers have been working together for some time to increase the safety of power outlet cords and extension cords. Only you can assure the success of their efforts by purchasing and using electrical cords intelligently.

Recalls

• **VITAMINS—Food and Drug Administration (FDA)** announces the recall of GNC Uni-Gen Multiple Vitamin Tablets in 365 tablet bottles, code #2308ED. The vitamins, manufactured by Daly Laboratories, Inc., Burbank, CA, were distributed nationwide to GNC stores. Reason for recall: tablets are subpotent in Vitamin B12.

• **LIVER PATE—Agriculture Dept.** announces the recall of all imported liver pate (paste) products bearing foreign establishment numbers "6707-C" and "6707-D."

The words "Product of France" are printed on the labels and establishment numbers are listed on the labels and are also embossed on the cans and glass containers.

The imported items, all produced by Feyel, a meat and poultry processing plant in Strasbourg, France are sold under various product names such as "Smoked Goose Pate," "Bloc De Foie Gras with Truffles," "Wild Boar Fillets with Foie Gras and Truffles," and "Liver Pate." They are marketed under 8 or more different brand names including Fritsch, Ile De France, F. Feyel, Strasbourg, Delice De Strasbourg, Tradition Florian Strasbourg, Florian Strasbourg, and Erna. The containers range in size from 1 1/4 oz. to 2 lbs., 2 1/2 oz.

Reason for recall: leaking and swollen cans were discovered at the inspection port in Los Angeles.

HUD-owned property

Those interested in buying homes owned by **Housing and Urban Development Dept. (HUD)** will find it easier from now on to obtain low-interest rehabilitation loans. Each HUD area office now disposing of HUD-owned property will be authorized to make rehabilitation financing available to qualified buyers of available homes.

Buyers of these homes will be eligible for 3%, 20-year maximum term loans up to \$27,000 per unit if they otherwise meet usual loan requirements.

HUD says the action will stimulate disposition of the property now held by the agency, and accelerate the process of neighborhood preservation.

Funds for the loans will come from allocations already made to regions for the closeout of conventional projects and to supplement locally funded rehabilitation efforts. Further information on the new procedure may be obtained at any HUD office, usually found listed under "US Government" in local telephone directory white pages.

Electronic fund transfers—final report

The **National Commission on Electronic Fund Transfers (NCEFT)** has sent to Congress its final report (almost 400 pages long) on electronic fund transfers (EFT), described by the Commission as "a sophisticated electronic technology used to conduct many of the daily financial transactions in our society presently being provided for by cash and checks."

Included in NCEFT's report are recommendations for:

- Outlawing the use by Government of EFT systems for surveillance.
- Restricting unsolicited distribution of debit cards, including the provision that consumers have no liability for debit cards until they have signed a contract and returned it to their bank or other financial institution.
- Protecting EFT account holders against liability for thefts and errors unless the bank can prove the account holder was negligent, with negligence narrowly defined.

Copies of *EFT in the United States* are available for \$6.00 from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. Identification number is 052-003-00475-5.

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